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## FAX TRANSMISSION

DATE: June 16, 2004

PTO IDENTIFIER: Application Number 09/922568-Conf. #9670  
Patent Number

Inventor: Udo BARON et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9506

FROM: LAHIVE &amp; COCKFIELD, LLP

DeAnn F. Smith

PHONE: (617) 227-7400

Attorney Dkt. #: TTV-088CPADV2

PAGES (Including Cover Sheet): 7

## CONTENTS:

Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page);  
Notice of Appeal (1 page);  
Fee Transmittal (1 page with duplicate);  
Certificate of Transmission under 37 CFR 1.8 (1 page);  
Change of Attorney Docket Number (1 page); and  
Charge \$750.00 to deposit account 12-0080.

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LAHIVE &amp; COCKFIELD, LLP

28 State Street, Boston, Massachusetts 02109

Telephone: (617) 227-7400 Facsimile: (617) 742-4214

OFFICIAL

PTO/SB/17 (10-03)

Approved for use through 7/31/2006 OMB 0851-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003 Patent fees are subject to annual revision

☐ Applicant claims small entity status See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 750.00**Complete if Known**

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/922568-Conf. #9670 |
| Filing Date          | August 3, 2001        |
| First Named Inventor | Ugo BARON             |
| Examiner Name        | C. X. Qian            |
| Art Unit             | 1636                  |
| Attorney Docket No   | TTV-088CPADV2         |

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number

12-0080

Deposit Account Name

Lahive &amp; Cockfield, LLP

The Director is authorized to (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001     | 770      | 2001     | 385      | Utility filing fee     |          |
| 1002     | 340      | 2002     | 170      | Design filing fee      |          |
| 1003     | 530      | 2003     | 265      | Plant filing fee       |          |
| 1004     | 770      | 2004     | 385      | Reissue filing fee     |          |
| 1005     | 160      | 2005     | 80       | Provisional filing fee |          |

**SUBTOTAL (1) (\$)** 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from Below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims |              |                |          |
| Multiple Dependent |              |                |          |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description   | Fee Paid |
|----------|----------|----------|----------|---|----------|
| 1202     | 18       | 2202     | 9        | Claims in excess of 20                                  |          |
| 1201     | 86       | 2201     | 43       | Independent claims in excess of 3                       |          |
| 1203     | 290      | 2203     | 145      | Multiple dependent claim, if not paid                   |          |
| 1204     | 86       | 2204     | 43       | Reissue independent claims over original patent         |          |
| 1205     | 18       | 2205     | 9        | Reissue claims in excess of 20 and over original patent |          |

**SUBTOTAL (2) (\$)** 0.00

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 1051                  | 130                   | 2051                  | 65                    | Surcharge - late filing fee or oath  |          |
| 1052                  | 50                    | 2052                  | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                  | 130                   | 2053                  | 130                   | Non-English specification  |          |
| 1812                  | 2,520                 | 1812                  | 2,520                 | For filing a request for ex parte reexamination                            |          |
| 1804                  | 920                   | 1804                  | 920                   | Requesting publication of SIF prior to Examiner action                     |          |
| 1805                  | 1,840                 | 1805                  | 1,840                 | Requesting publication of SIF after Examiner action                        |          |
| 1251                  | 110                   | 2251                  | 55                    | Extension for reply within first month                                     |          |
| 1252                  | 420                   | 2252                  | 210                   | Extension for reply within second month                                    | 420.00   |
| 1253                  | 850                   | 2253                  | 475                   | Extension for reply within third month                                     |          |
| 1254                  | 1,480                 | 2254                  | 740                   | Extension for reply within fourth month                                    |          |
| 1255                  | 2,010                 | 2255                  | 1,005                 | Extension for reply within fifth month                                     |          |
| 1401                  | 330                   | 2401                  | 165                   | Notice of Appeal   | 330.00   |
| 1402                  | 330                   | 2402                  | 165                   | Filing a brief in support of an appeal                                     |          |
| 1403                  | 290                   | 2403                  | 145                   | Request for oral hearing   |          |
| 1451                  | 1,510                 | 2451                  | 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452                  | 110                   | 2452                  | 55                    | Petition to revive - unavoidable   |          |
| 1453                  | 1,330                 | 2453                  | 665                   | Petition to revive - unintentional   |          |
| 1501                  | 1,330                 | 2501                  | 665                   | Utility issue fee (or reissue)   |          |
| 1502                  | 480                   | 2502                  | 240                   | Design issue fee   |          |
| 1503                  | 640                   | 2503                  | 320                   | Plant issue fee  |          |
| 1480                  | 130                   | 1480                  | 130                   | Petitions to the Commissioner  |          |
| 1807                  | 50                    | 1807                  | 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 1806                  | 180                   | 1806                  | 180                   | Submission of information Disclosure Sum                                   |          |
| 8021                  | 40                    | 8021                  | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809                  | 770                   | 2809                  | 385                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                  | 770                   | 2810                  | 385                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                  | 770                   | 2801                  | 385                   | Request for Continued Examination (RCE)                                    |          |
| 1802                  | 900                   | 1802                  | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Required by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 750.00**SUBMITTED BY**

|                   |                       |                                   |               |           |                |
|-------------------|-----------------------|-----------------------------------|---------------|-----------|----------------|
| Name (Print/Type) | DeAnn F. Smith        | Registration No. (Attorney/Agent) | 36,683        | Telephone | (617) 227-7400 |
| Signature         | <i>DeAnn F. Smith</i> | Date                              | June 16, 2004 |           |                |

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no (703) 872-9306, on the date shown below

Date: June 16, 2004

Signature: *DeAnn F. Smith*

(DeAnn F. Smith)

PTO/SB/31 (08-03)

Approved for use through 07/31/2008 OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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|   |  |  |  |
|---|--|--|--|
| <b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>          |  | <b>Docket Number (Optional)</b><br>TTV-088CPADV2 |  |
| In re Application of<br>Udo BARON et al.  |  |  |  |
| Application Number<br>09/922568-Conf #9670  |  | Filed<br>August 3, 2001                          |  |
| For TRANSGENIC ORGANISMS HAVING TRANSCRIPTIONAL<br>ACTIVATORS WITH GRADED TRANSACTIVATION POTENTIAL |  |  |  |
| Art Unit<br>1636  |  | Examiner<br>C. X. Qian                           |  |

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is \$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 12-0080. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

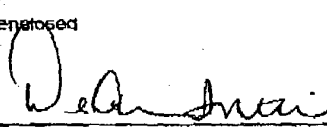
I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record.  
Registration number \_\_\_\_\_

☒ attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) 36,683

  
 Signature  
 DeAnn F. Smith  
 Typed or printed name  
 (617) 227-7400  
 Telephone number  
 June 16, 2004  
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of 1 forms are submitted.

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Dated, June 16, 2004

Signature:



(DeAnn F. Smith)